



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION IX
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Mr. Mitchell A. Alderman, P.E.
Director of Transit and Rail Programs
San Bernardino Associated Governments
1170 W. 3rd Street, 2nd Fl,
San Bernardino, CA 92410

OCT 26 2012

Re: Environmental Assessment for the
Downtown San Bernardino Passenger Rail
Finding of No Significant Impact

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Dear Mr. Alderman:

Based on our review of the Environmental Assessment, dated August 2012, we have issued a Finding of No Significant Impact (FONSI) for the Downtown San Bernardino Passenger Rail Project (DSBPRP). A copy of the FONSI is enclosed.

Copies of the FONSI and supporting documentation information should be made available to affected units of government and to the public. Notice of this availability should be published in local newspapers and provided directly by you to affected units of Federal, State and Local governments as well as to the State intergovernmental review contact established under Executive Order 12372.

Please note that if a grant is approved for this project, the standard terms and conditions of the grant contract will require San Bernardino Associated Governments (SANBAG) to undertake the mitigation actions identified in the Environmental Assessment.

Thank you for your cooperation in meeting the requirements of the National Environmental Policy Act. If you have any questions, please contact Mr. Hymie Luden, City and Regional Planner, at (415) 744-2732.

Sincerely,

Leslie T. Rogers
Leslie T. Rogers
Regional Administrator

Attachment

Federal Transit Administration

REGION 9

Finding of No Significant Impact

Project: Downtown San Bernardino Passenger Rail Project

Sponsor: San Bernardino Associated Governments

Location: City of San Bernardino, California

Project Description

The San Bernardino Associated Governments (SANBAG) is proposing to extend Metrolink regional passenger rail service approximately 1 mile east from its current terminus at the existing San Bernardino Metrolink Station/Santa Fe Depot (Depot) located at 1170 West 3rd Street to a new Metrolink commuter rail terminus proposed near the intersection of Rialto Avenue and E Street in the City of San Bernardino (City), California. The primary features of the Downtown San Bernardino Passenger Rail Project (Project) include the construction of a second track, rail terminus and crew house, parking lots and pedestrian pathways, pedestrian overpass at the Depot, Omnitrans Bus Facility, grade crossing improvements, railroad signalization and roadway closures. The Project's secondary features include construction of drainage improvements, utility accommodation and implementation of safety controls. Construction of the Project will start in early-2013, with passenger rail operations starting in mid-2014.

The Federal Transit Administration (FTA) is the lead agency under the National Environmental Policy Act (NEPA). An Environmental Assessment (EA)/Environmental Impact Report (EIR) was prepared for the Project. The EA/Draft EIR (DEIR) was prepared to comply with NEPA and the California Environmental Quality Act (CEQA). The EA/DEIR was available for public review from June 5, 2012, through July 19, 2012 (see public comment section below for additional details).

The EA/ DEIR was modified to respond to comments received from the public and interested organizations. The changes, responses to comments and a mitigation monitoring and reporting program (MMRP) were incorporated into the revised EA/Final EIR (FEIR). The Project is described in detail in Section 2.3, "Proposed Action/Proposed Project" of the revised EA/FEIR.

Alternatives Considered

SANBAG considered a No-Build Alternative and three project design options in addition to the Project in the EA/DEIR and revised EA/FEIR. The alternatives were evaluated based on criteria that measured the ability of each alternative to satisfy the purpose and need of the Project, as described in Section 1.3, Section 2.2 and Section 2.4 of the revised EA/FEIR.

These alternatives are summarized below:

No-Build Alternative – Assumes that the Project would not be built and passenger rail service would not extend east to downtown San Bernardino. Neither improvements to rail infrastructure and grade crossings, railroad signalization, road closures, platform and associated facilities nor a bus facility would be constructed.

Pedestrian Overpass Design Options 1A and 1B – Assumes that a pedestrian overpass would be built just west of the existing Depot, with the intent of minimizing visual impacts on the Depot, to facilitate the efficient use of the Metrolink system and safe evacuation of the terminus in the event of an emergency. Both designs would have the same functional efficiencies but would differ in aesthetic attributes.

Pedestrian Underpass Design Option 2 – Assumes that a pedestrian underpass would be built, with the intent of minimizing visual impacts on the Depot, to improve pedestrian safety, facilitate efficient operation of the Metrolink and Amtrak facilities housed at the Depot, and safe evacuation in the event of an emergency.

3rd Street Open Design Option 3 – This option is a variation of the Project's street improvements. It assumes there would be no 3rd Street road closure. Instead, at-grade crossings would be upgraded between J Street and I Street, and K Street would no longer be widened.

Additional alternatives to the Project were also considered. These alternatives and layover options did not accomplish the project's purpose and need as discussed in Section 2.5 of the revised EA/FEIR. SANBAG concluded that commuter rail service would provide the best solution to the specific transportation problems in the study corridor. The Project would be the best way to meet the objective of extending Metrolink service to downtown San Bernardino and providing a centralized bus facility for existing fixed-route and planned rapid bus transit service. The Project also would satisfy the need for pedestrian safety and accessibility at the rail terminus, and would eliminate the need for at-grade pedestrian crossings.

Project Modifications

The following modifications were made to the Project since the publication of the EA/DEIR, as described in Chapter 2.0 of the revised EA/FEIR.

- Optional Detention Basin #3 – Based on advanced engineering design, this detention basin has been added. It is 4.46 acres in size and will be located immediately south of Optional Detention Basin #1. A portion of the proposed site for Optional Detention Basin #3 is currently owned by the City of San Bernardino, and will need to be acquired for the basin.
- The Project alignment has been slightly reconfigured and moved 10 feet west as a result of SANBAG's need to retain the existing Inland Empire Maintenance Facility (IEMF), requiring modifications to the types of acquisitions (i.e., from full to partial and partial to full) for two property takings. Both properties to be acquired were previously evaluated in the EA/DEIR, and the types of acquisition and impact analysis have been updated in the revised EA/FEIR.
- Local agency discretionary approval for the Bus Facility has been added, including the requirement for approval by the City for entitlements for the Facility, including a Development Permit and a Development Code Amendment to the Transit District Overlay Zone.

Agency Coordination and Public Opportunity to Comment

A detailed description of the public review process is provided in Chapter 6 of the revised EA/FEIR. In summary, the EA/DEIR was released for public review on June 5, 2012, through July 19, 2012. The Notice of Availability (NOA) was posted at the County of San Bernardino Clerk of the Board of Supervisors and the Governor's Office of Planning and Research, State Clearinghouse. The NOA was published in the *San Bernardino Sun* on June 7, 2012, and mailed to various agencies and organizations and individuals that had previously requested such notice. The EA/DEIR was available for review at SANBAG's office on the 2nd floor of the Santa Fe Depot; San Bernardino City Hall, Community Development Department; and San Bernardino Library. In addition, an electronic copy was available on SANBAG's website (<http://www.sanbag.ca.gov/projects/redlands-transit.html>).

Under CEQA, a 30-day public comment period, from May 10, 2011 through June 8, 2011, for the Project was initiated by posting the Notice of Preparation (NOP) with the County of San Bernardino Clerk of the Board of Supervisors and the State Clearinghouse at the Governor's Office of Planning and Research. The NOP officially solicited statewide agency participation in determining the scope of the EA/DEIR. Approximately 35–40 members of the public attended a public scoping meeting on May 17, 2011, and 33 individuals provided signatures on the sign-in sheets. Attendees identified safety, access, air quality, noise and vibration, traffic, aesthetics, and property values issues.

Mitigation Measures to Minimize Harm

The revised EA/FEIR indicated that no significant adverse effects under NEPA would occur to any resource as a result of the Project. SANBAG has incorporated mitigation measures into the

project to reduce or eliminate potentially adverse environmental impacts. SANBAG made explicit environmental commitments as part of the project's description to address the likely effects of construction and operation. Mitigation measures for the Project include construction and operational impacts on transportation, cultural resources; safety and security; hydrology and water quality; geology, soils and seismicity; hazardous waste and materials; noise and vibration; and, biological resources, as described in Chapter 4.0 of the revised EA/FEIR.

A summary of mitigation measures is also provided below:

The following mitigation is proposed in Section 4.2.3, "Transportation":

- T-1 (Prepare and Implement a Traffic Management Plan)
- T-2 (Prepare and Implement a Stadium Parking Plan)
- T-3 (Install a Traffic Signal at the J Street/2nd Street Intersection)
- T-4 (Install All-Way Stops at the J Street/Rialto Avenue Intersection)

The following mitigation is proposed in Section 4.2.5, "Cultural Resources":

- CR-2 (Conduct Cultural Resources Monitoring)
- CR-4 (Stop Work if Unanticipated Human Remains Are Encountered)

The following mitigation is proposed in Section 4.2.8, "Safety and Security":

- SAFE-1 (Verify the Installation of Rail Safety Measures)
- SAFE-2 (Develop Rail Facility Safety and Security Plans)
- SAFE-3 (Develop a Bus System Safety Program Plan)

The following mitigation is proposed in Section 4.3.1, "Floodplain and Hydrology":

- HYD-1 (Develop and Implement a Stormwater Pollution Prevention Plan)
- HYD-2 (Develop and Implement a Water Quality Management Plan)

The following mitigation is proposed in Section 4.3.3, "Geology, Soils, Seismicity":

- G-1 (Comply with Geotechnical Recommendations)

The following mitigation is proposed in Section 4.3.4, "Hazardous Wastes and Materials":

- HM-1 (Comply with Hazards and Hazardous Materials Recommendations)
- HM-2 (Plan and Monitor for Hazardous Materials)

The following mitigation is proposed in Section 4.3.6, "Noise and Vibration":

- NOI-1 (Employ Noise-Reducing Measures during Construction)
- NOI-2 (Prepare a Community Awareness Program for Project Construction)
- NOI-3 (Use Ballast Mats, Resiliently Supported Ties, or Measures of Comparable Effectiveness on Portions of the Rail near Sensitive Receivers)
- NOI-4 (Establish Quiet Zones)
- NOI-5 (Provide Building Noise Insulation to Severe- and Moderate-Impact Residences Where Sound Barriers Are Infeasible)
- NOI-6 (Lubricate Wayside Rail)
- NOI-7 (Construct Sound Barriers)

The following mitigation is proposed in Section 4.4.1, "Biological Resources":

- BR-1 (Conduct Preconstruction Nest Survey for Migratory Birds)

- BR-2 (Establish Buffer Area for Migratory Bird Nests)
- BR-3 (Restrict Uses within Project Study Area Boundaries)

Determinations and Findings

National Environmental Policy Act Finding

FTA served as the lead agency and SANBAG served as a joint lead agency in the preparation of the revised EA/FEIR in compliance with NEPA, 42 U.S. C. Section 4321 et seq. and with FTA's regulations, 23 CFR Part 771. The revised EA/FEIR analyzes and describes the Project's potential significant impacts. The revised EA/FEIR indicated that, with the implementation of committed mitigation measures, the Project's construction and operation would cause no significant adverse environmental effects.

After carefully considering the revised EA/FEIR, its supporting documents, public comments, and responses, FTA finds under 23 CFR 771.121 that the Project with the mitigation to which SANBAG has committed will have no significant adverse impacts on the environment. Further, the record provides sufficient evidence and analysis for determining that an Environmental Impact Statement (EIS) is not required.

Air Quality Conformity

The Clean Air Act (CAA) requires that federal agencies and Metropolitan Planning Organizations (MPOs) not approve any transportation project, program, or plan that does not conform to the approved State Implementation Plan (SIP). The Federal Transportation Conformity Rule requires that FTA projects must be found to conform before they are adopted, accepted, approved or funded.

The Project will be located in an area designated extreme nonattainment for ozone (O₃), serious nonattainment for particulate matter less than 10 microns in diameter (PM₁₀), nonattainment for particulate matter that is 2.5 microns or less in diameter (PM_{2.5}), serious maintenance for CO, and attainment for nitrogen dioxide (NO₂), sulfur dioxide (SO₂), and lead. Therefore, conformity applies to the operation of the Project. Section 40 CFR 93.123 of the transportation conformity rule specifies that CO and PM_{2.5}/PM₁₀ hot-spot analyses are not required for construction-related activities that are less than 5 years in duration. Therefore, conformity does not apply to construction activities for the Project.

Air quality modeling conducted by Southern California Association of Governments (SCAG) has shown that emissions associated with the Regional Transportation Plan (RTP) and Federal Transportation Improvement Program (FTIP) are within the allowable air pollutant emission budgets. Consequently, the Project is considered a conforming transportation project. A new conformity determination is not required because the Project conforms with the most recently

adopted RTP and FTIP; it has not significantly changed in design concept and scope; there have been fewer than 3 years since the last major conformity milestone; and a supplemental environmental document for air quality purposes has not been initiated. Therefore, the Project is not considered to be a Project of Air Quality Concern (POAQC) based on the definition contained in 40 CFR 93.123(b)(1) and PM10/PM2.5 hot-spot evaluation is not required. On July 24, 2012, the SCAG Transportation Conformity Group also determined that the Project was not a POAQC.

Transportation and Traffic Finding

Operation of the Project will change traffic patterns and volume in the Project's vicinity. As discussed in Section 4.2.3 of the revised EA/FEIR, the Project will result in one intersection having an unsatisfactory level of service (LOS) worse than LOS D, during the 2014 opening year and two intersections having an unsatisfactory LOS in the 2035 analysis year. All other intersections in 2035 and all intersections in 2014 will maintain a satisfactory LOS of D or better. Impacts related to unsatisfactory LOS at intersections will be mitigated by improvement measures to be implemented by SANBAG.

Additionally, the Project will not contribute to traffic congestion and will improve circulation by providing better access to mass transit, thereby resulting in a beneficial effect on travel demand for roads and highways. The Project will also improve rail and bus transit facilities, parking, and non-motorized (pedestrian) travel. Therefore, FTA finds that the Project will not result in an adverse effect on the existing roadway system, transit systems, or parking availability in the City of San Bernardino.

Noise and Vibration Finding

Potential noise impacts from the Project were assessed using procedures and criteria found in FTA's Transit Noise and Vibration Impact Assessment (May 2006) (the FTA Manual). As discussed in Section 4.3.6 of the revised EA/FEIR, construction of the Project will result in temporary but relatively high levels of noise along the rail corridor. The construction noise effect is considered adverse. Implementation of Mitigation Measures NOI-1 (Employ Noise-Reducing Measures during Construction) and NOI-2 (Prepare a Community Awareness Program for Project Construction) will minimize this adverse effect.

Increased rail noise will result in adverse effects to residential land uses along portions of the rail corridor. Although sound barriers in the form of solid walls were considered in the revised EA/FEIR (Mitigation Measure NOI-7, Construct Sound Barriers), the direct and indirect effects of constructing a sound barrier would outweigh benefits in terms of noise reductions. Based on these considerations, it is not appropriate for the Project to construct sound barriers. For this reason, other mitigation strategies—including the establishment of quiet zones, incorporation of building insulation and rail lubrication—were considered and are proposed. The establishment

of a quiet zone will require implementation of a number of Supplemental Safety Measures, such as four-quadrant gate systems and temporary closures at crossings, which will allow the rail operator to not sound the horn on the locomotives as otherwise prescribed by the safety rules of the Federal Railroad Administration (FRA). These mitigation measures will avoid or minimize any adverse noise effects related to the operation of the Project. No impacts from traffic, stations and parking areas are considered adverse.

Construction of the Project will result in temporary vibration along the rail corridor caused by heavy equipment and machinery. FTA construction vibration damage thresholds will not be exceeded at any of the representative receiver locations, indicating that the potential for damage to any of the structures along the rail corridor is low. Operation of the Project will result in ground-borne vibration along the rail corridor. Adverse effects are predicted to occur on residential land uses within the area near the rail corridor east of the Depot and west of Interstate 215. Implementation of Mitigation Measure NOI-3 (Use Ballast Mats, Resiliently Supported Ties, or Measures of Comparable Effectiveness on Portions of the Rail near Sensitive Receptors) will minimize this any such effects. With mitigation, no adverse ground-borne vibration effects are anticipated from implementation of the Project. Therefore, based on the recommended noise and vibration mitigation, FTA finds that the Project will not result in significant noise or vibration impacts.

Hydrology and Water Quality

The Project is located within the Santa Ana River watershed, and the Bunker Hill Hydrologic Subarea of the Upper Santa Ana River Hydrologic Area, as discussed in Section 4.3.1 and Section 4.3.2 of the revised EA/FEIR. Lytle Creek Channel, also referred to as Lytle Cajon Channel as well as the West Branch of the Lytle Creek System, is located southwest of the Project Study Area. Runoff from the Project is discharged either to the Lytle Creek Channel or the Historic Warm Creek Channel via local City storm drain systems and eventually confluences with Lytle Creek Channel before it discharges into Reach 4 of the Santa Ana River. The Project is not located within a 100-year floodplain.

During construction, the Project is required to meet the requirements of the Construction General Permit (CGP). This permit requires the Project to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) for the duration of construction. Enforcement of the requirements for the CGP comes from the State Water Resources Board.

Therefore, based on the recommended hydrology and water quality mitigation and by complying with the state and local stormwater requirements, FTA finds that the Project will not result in significant hydrology and water quality impacts.

Section 4(f) Finding

The Department of Transportation Act of 1966 (as amended) established Section 4(f) as a national policy which states that the Secretary of Transportation may not approve transportation projects that use publicly owned parks, recreation areas, wildlife and waterfowl refuges, or any significant historic site unless a determination is made that there is no prudent and feasible alternative to using that land, and that all possible planning has been done to minimize harm. Project improvements will not diminish the historic integrity of the Santa Fe Depot or the Southern California Gas Company Plant buildings, two properties that are listed or determined eligible for inclusion in the National Register of Historic Places (NRHP). Additionally, no archaeological resources were identified within the Area of Potential Effect (APE). However, construction-related ground-disturbing activities for the Project could potentially disturb, damage, or degrade previously unrecorded, intact archaeological resources. As such, Mitigation Measures CR-2 (Conduct Cultural Resources Monitoring) and CR-4 (Stop Work if unanticipated human remains are encountered) have been included to reduce any potential adverse effects associated with the Project. The Project will not adversely affect NRHP-eligible historic resources, and no Section 4(f) resources will be used by the Project. Additionally, the State Historic Preservation Officer (SHPO) provided concurrence with FTA's determination that the Project will result in no adverse effect on historic and archaeological resources.

Further, the Project is not anticipated to use any Section 4(f) resources because it will not directly or constructively use any publicly owned land designated as a public park or recreation area. The San Manuel Stadium is not designated as a public park, nor is it open to the general public for use as a park or other recreational facility. SANBAG and the City are in agreement regarding the use of existing parking and landscaped areas for the San Manuel Stadium for access and drainage improvements. In addition, the Project will not involve land purchased or improved with funds under the Land and Water Conservation Fund Aid in Wildlife Act, or otherwise encumbered with a federal interest.

Based on its analysis, FTA finds that the Project will not use, directly or constructively, any Section 4(f) resources. Thus, with the incorporation of mitigation measures proposed in the revised EA/FEIR, no significant adverse effects on Section 4(f) resources will occur under the Project.

Environmental Justice Finding

Executive Order 12898 provides that "each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations."

The Project is located in the City of San Bernardino, primarily within the right-of-way for the Redlands Branch rail line. The alignment runs parallel to Interstate 10. The environmental justice (EJ) study area includes all potentially affected populations, including a significant number of minority (e.g., persons of Hispanic origin) and low-income communities surrounding the project alignment, as described in Section 4.5.2 of the revised EA/FEIR. Those EJ communities may experience adverse effects related to air and water quality; noise vibration; traffic and transportation; land acquisitions, displacements, and relocation; cultural resources, geology; hazards; aesthetics and biological resources during construction and operation of the Project. However, any adverse effects will be avoided or minimized with the implementation of mitigation measures, including those discussed in Sections 4.5.3 and 4.5.4 of the revised EA/FEIR. Moreover, the Project will benefit the EJ community by, among other things, improving pedestrian safety; providing additional transit opportunities; improving mobility opportunities for transit-dependent populations; reducing greenhouse gas emissions; encouraging the development of the City's central business district and downtown area; and improving access to cultural and entertainment venues. Given these benefits, and the implementation of all mitigation measures, the FTA finds, pursuant to Executive Order 12898, that EJ communities will not bear a disproportionately high and adverse effect on human health or the environment as a result of the Project.

Section 106 Compliance

Section 106 of the National Historic Preservation Act of 1966, as amended, requires the review of federally assisted projects for impacts to districts, sites, buildings, structures, and objects listed, or eligible for inclusion, in the National Register of Historic Places. Federal agencies must coordinate with the State Historic Preservation Officer (SHPO) and potentially affected Native American Tribes to make this determination. The Advisory Council on Historic Preservation (ACHP) has established procedures for the protection of historic and cultural properties in, or eligible for, the National Register (36 CFR Part 800).

A technical analysis of cultural resources was completed in accordance with Section 106 of the National Historic Preservation Act. As stated in the revised EA/FEIR and its Appendix D, the APE for the Project includes two properties that are listed or determined eligible for inclusion in the National Register of Historic Places (NRHP): Atchison, Topeka & Santa Fe (AT&SF) Railway Passenger and Freight Depot, listed in the NRHP in 2000, and Southern California Gas Company Plant, 155 South G Street, eligible under Criterion C at the local level as an example of the Streamline Moderne architectural style in San Bernardino.

FTA and SANBAG consulted with the SHPO and several Native American tribes in compliance with Section 106 of the National Historic Preservation Act. FTA has determined that the Project will not have an adverse effect on historic properties. The Project will not physically alter either the AT&SF Railway Passenger and Freight Depot or the Southern California Gas Plant Building, nor will it affect any of the character-defining features of the historic properties. Additionally,

no new archaeological resources were identified in the APE for this undertaking. On April 3, 2012, the SHPO concurred in FTA's finding of "no adverse effect" and indicated that FTA and SANBAG have met the applicable standards and satisfied the requirements and recommendations of 36 CFR 800.

Environmental Finding

The EA for the Downtown San Bernardino Passenger Rail Project was prepared by SANBAG in cooperation with the FTA in accordance with NEPA, §102 (42 U.S.C. §4332); Federal Transit Laws (49 U.S.C. §5301(e), §5323(b), and §5324(b)); Title 49 U.S.C. §303 (Department of Transportation Act of 1966, §4(f)); and Executive Order 12898 (Environmental Justice).

Based on the revised EA/FEIR and its supporting documents, the FTA, pursuant to 23 CFR 771.121, finds there are no significant impacts on the environment associated with the construction and operation of the Project.

Approved: _____

Leslie T. Rogers
Regional Administrator

Federal Transit Administration, Region IX

Date: _____

OCT 26 2012